

REMARKS

The issues are:

(A) Whether Claims 1-4 are unpatentable under 35 U.S.C. §103(a) over U.S. 5,978,061 (Miyazaki et al)?

(B) Whether Claims 5-7 and 14-17 are unpatentable under 35 U.S.C. § 103(a) over Miyazaki et al in view of U.S. 6,525,799 (Fukuda)?

(C) Whether Claims 8, 10-11 and 19-20 are unpatentable under 35 U.S.C. § 103(a) over JP10-104642 (Miyazaki Ryuji) in view of U.S. 6,275,280 (Kajita et al)?

(D) Whether Claim 9 is unpatentable under 35 U.S.C. § 103(a) over Miyazaki Ryuji in view of Kajita et al, and further in view of JP59-078320 (Ogura Makoto)?

(E) Whether Claims 12, 13, 21 and 22 are unpatentable under 35 U.S.C. § 103(a) over Miyazaki Ryuji in view of Miyazaki et al and further in view of Kajita et al?

(F) Whether Claims 23 and 24 are unpatentable under 35 U.S.C. § 103(a) over Miyazaki Ryuji in view of Fukuda, and further in view of Miyazaki et al and further in view of Kajita et al?

(G) Whether Claim 18 is unpatentable under 35 U.S.C. § 103(a) over Miyazaki Ryuji in view of Kajita et al, and further in view of Ogura Makoto?

(H) Whether Claims 5-7, 14-17, 23 and 24 are unpatentable under 35 U.S.C. § 112, second paragraph?

The present invention relates to a liquid crystal display device and a method for manufacturing the same wherein the device employs columnar spacers (projections) for maintaining a gap into which liquid crystal is injected constant.

As described in the specification beginning at page 1, line 6, processes for making liquid crystal display devices employing such projections have been problematical, and solutions to such problems have been suggested, but they are also problematical.

Applicants successfully address problems of the prior art with the present invention, which is described in the specification as comprising three different embodiments.

In Embodiment 1, and as reflected in, for example, Claim 1, "an area occupying ratio of the projections with respect to a region enclosed by the sealing material is not less than 0.001 and not more than 0.003." See also the specification at page 8, line 18 through page 13, line 14.

Embodiment 2 relates to a pressurized sealing process, meaning that the liquid crystal display device undergoes a pressurizing process simultaneously with sealing the liquid crystal injection inlet with a sealing agent, as described in the specification at page 13, line 16 through page 17, line 2. In this embodiment, the pressure is not less than 20,000 Pa and not more than 40,000 Pa, as reflected in, for example, Claim 8. An alternative or complementary embodiment of Embodiment 2 involves time elapsed from completion of injecting liquid crystal up to sealing the injection inlet. This aspect is reflected in, for example, Claim 10. Preferred is a specified time of not less than 30 minutes and not more than 60 minutes, as reflected in Claim 11.

In Embodiment 3, spacers of different height are disposed, as reflected in, for example, Claim 5, and as described in the specification at page 17, lines 4-25. Preferred height differences are recited in, for example, Claims 6 and 7.

The significance of the limitations of above-discussed Embodiments 1-3 is reflected in the comparative data of record, i.e., Examples 1-13, as described in the specification at page 18, lines 2-6.

Examples 1-4 relate to Embodiment 1. Examples 1 and 2 are according to the invention. Example 3, with an area occupying ratio of 0.0048, and Example 4, with an area occupying ratio of 0.0059, are outside the terms of the present claims. According to the high temperature test described in the specification at page 18, last paragraph, no or hardly any

display blurs were observed for Examples 1 and 2, while some or remarkable display blurs were observed in Examples 3 and 4. In addition, bubbles were generated in the low temperature test, described in the specification at page 18, last paragraph, in Example 4.

Examples 5-7 relate to Embodiment 2, wherein the only variable was pressure at the time of applying the sealing agent. Example 5 employed no pressure; Example 6 employed a pressure of 20,000 Pa; and Example 7 employed a pressure of 49,000 Pa. Example 5 produced display blurs were observed during the high temperature test. Example 7 produced bubbles during the low temperature test. In Example 6, the only example within the terms of the present invention, neither blurs nor bubbles were observed.

The above-discussed alternative or complementary embodiment of Embodiment 2 is demonstrated in Examples 8-11, wherein the only variable was time elapsed from completion of injecting liquid crystal up to sealing the injection inlet. Example 8, wherein the time elapsed was 0 minutes, and Example 11, wherein the time elapsed was 120 minutes, were both outside the terms of present Claim 11; bubbles were generated during the low temperature test and display blurs during the high temperature test, respectively. On the other hand, and within the terms of Claim 11, Example 9, which employed an elapsed time of 30 minutes, and Example 10, which employed an elapsed time of 60 minutes, both resulted in neither display blurs nor bubbles.

Embodiment 3 is demonstrated by Examples 12 and 13. In Example 12, the height of the columnar spacers were 3.4 μm and 3.6 μm , and are thus according to Embodiment 3. In Example 13, the heights were the same, and are thus outside the terms of Embodiment 3. In Example 12, no display blurs were observed. In Example 13, slight display blurs were observed during the high temperature test.

Applicants describe the results from the above-discussed comparative data, in the specification at page 25, line 26, through the end of page 26, as follows:

As explained so far, according to the first aspect of the present invention [i.e., Embodiment 1], it is possible to obtain a liquid crystal display device free of display blurs at the time of using the same in a high temperature condition and with which no bubbles are generated when using the same in a low temperature condition by setting the area occupying ratio for the columnar spacers to be an optimal value.

According to the second aspect of the present invention [i.e., Embodiment 3], it is possible to further secure an amount of compressive deformation for the columnar spacers since heights of columnar spacers are varied, and thereby to obtain a liquid crystal display device free of display blurs at the time of using the same in a high temperature condition and with which no bubbles are generated when using the same in a low temperature condition.

According to the third aspect of the present invention [i.e., Embodiment 2], it is possible to obtain a liquid crystal display device in which display blurs at the time of using the same in a high temperature condition might be restricted by performing a pressurized sealing process.

According to the fourth aspect of the present invention [i.e., alternative or complementary embodiment of Embodiment 2], it is possible to obtain a liquid crystal display device free of display blurs at the time of using the same in a high temperature condition and with which no bubbles are generated when using the same in a low temperature condition by the arrangement of sealing the injection inlet of the liquid crystal display device by means of a sealing agent after a specified time has elapsed after completion of injecting liquid crystals.

Issue (A)

The rejection of Claims 1-4 under 35 U.S.C. § 103(a) as unpatentable over U.S.

5,978,061 (Miyazaki et al), is respectfully traversed. Miyazaki et al discloses a liquid crystal display device wherein "[f]or actualizing the substrate-to-substrate distance of approximately 1-10 (μm) that the normal liquid crystal display device needs to have, it is required that a sum of sectional areas of the surfaces of the spacers, parallel to the substrates, which occupy per a square millimeter, should exceed 0.00002 square millimeter, but be less than 0.005 square millimeter" (column 19, lines 44-50). The above description is with regard to a twelfth and thirteenth embodiment of Miyazaki et al (column 19, line 27 ff). Miyazaki et al exemplifies the twelfth and thirteenth embodiment with a sum of sectional areas of 0.0009 square

millimeter (column 20, line 24). In a fourteenth embodiment, Miyazaki et al exemplifies a sum of sectional areas of 0.0007 square millimeter (column 21, line 63). Miyazaki et al thus exemplifies no sum of sectional areas within the presently-recited range of, for example, Claim 1, but exemplifies a number of sum of sectional area values below the presently-recited minimum of 0.001. In addition, above-discussed Example 3, which is within the range disclosed in Miyazaki et al, nevertheless, is shown to be inferior to the invention as claimed herein. In effect, Applicants have demonstrated unexpected results relative to the range disclosed in Miyazaki et al who, in effect, suggests equivalents for all values within their disclosed range. See *In re Woodruff*, 16 USPQ 2d 1934 (Fed. Cir. 1990).

In view of the statutory requirement that the invention as a whole be considered, the Examiner may not ignore this evidence.

Claim 2 is separately patentable since Miyazaki et al neither disclose nor suggest the liquid crystal display device of Claim 1, wherein the area occupying ratio is not less than 0.001 and not more than 0.002. Miyazaki et al exemplifies no sum of sectional areas within the presently-recited range, but exemplifies a number of sum of sectional area values below the presently-recited minimum of 0.001.

Claim 3 is separately patentable since Miyazaki et al neither disclose nor suggest the liquid crystal display device of Claim 1, wherein the area occupying ratio is not less than 0.001 and not more than 0.0015. Miyazaki et al exemplifies no sum of sectional areas within the presently-recited range, but exemplifies a number of sum of sectional area values below the presently-recited minimum of 0.001.

Claim 4 is separately patentable since Miyazaki et al neither disclose nor suggest the liquid crystal display device of any one of Claims 1-3, wherein the film is formed of acrylic resin. Miyazaki et al's disclosure of an acrylic resin is with regard to an ultraviolet ray

hardening resist (column 8, line 4ff). It is not clear that Miyazaki et al's pillar-shaped spacer 33 is formed of acrylic resin.

Issue (B)

The rejection of Claims 5-7 and 14-17 under 35 U.S.C. § 103(a) as unpatentable over Miyazaki et al in view of Fukuda is respectfully traversed. The rejection is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that this rejection be withdrawn.

Issue (C)

The rejection of Claims 8, 10-11 and 19-20 under 35 U.S.C. § 103(a) as unpatentable over Miyazaki Ryuji in view of Kajita et al, is respectfully traversed. Miyazaki Ryuji discloses preparing a liquid crystal panel by applying a sealing resin near a liquid crystal injection port while maintaining a liquid crystal extruding pressure, then dropping the pressure down to a resin withdrawing pressure, which according to Miyazaki Ryuji, obviates the occurrence of a sealing error, has excellent uniformity of the gap between substrates and is strong to an external press without the occurrence of display unevenness. Kajita et al discloses application of a pressure of about 10,000 to 100,000 Pa to the substrates while sticking them together to produce a liquid crystal display device (column 3, lines 57-61).

However, as to Claims 10 and 19, neither Miyazaki Ryuji nor Kajita et al disclose the time of application of pressure. Thus, it is not clear at what step this pressure is applied, and it is not clear that this step coincides with the step in Miyazaki Ryuji. Even if it did, note that the application of pressure of Claim 8 is in reference to a pressurized sealing process in which the liquid crystal display device undergoes a pressurizing process simultaneous with sealing the liquid crystal injection inlet with a sealing agent, as described in the specification at page

14, lines 21-27. Nevertheless, even if Miyazaki Ryuji and Kajita et al were both drawn to such a pressurized sealing process, the above-discussed comparative data of record demonstrates the significance of the presently-recited range of 20,000-40,000 Pa. Indeed, Example 7, which is within the range of Kajita et al, but outside the presently-recited range, results in bubbles during the low temperature test. Under *Woodruff, supra*, the present claims are patentable for this reason also.

Claim 19 is separately patentable over Claim 10, since, while Kajita et al refers to an in-plate switching mode (IPS) system, which may be construed as the same as a transverse field method, Kajita et al does not describe the control of a gap (distance between substrates) of a liquid crystal device.

Claims 11 and 20 are separately patentable since the combination of Miyazaki Ryuji and Kajita et al neither disclose nor suggest the method of Claim 10 or Claim 19, respectively, wherein the specified time is not less than 30 minutes and not more than 60 minutes. Indeed, as discussed above, neither Miyazaki Ryuji nor Kajita et al disclose the time of application of pressure.

Claim 20 is separately patentable over Claim 11, since, while Kajita et al refers to an in-plate switching mode (IPS) system, which may be construed as the same as a transverse field method, Kajita et al does not describe the control of a gap (distance between substrates) of a liquid crystal device.

Issue (D)

The rejection of Claim 9 under 35 U.S.C. § 103(a) as unpatentable over Miyazaki Ryuji in view of Kajita et al, and further in view of JP59-078320 (Ogura Makoto), is respectfully traversed. The disclosures and deficiencies of Miyazaki Ryuji and Kajita et al have been discussed above. Ogura Makoto does not remedy these deficiencies. Ogura

Makoto discloses sealing the injection opening of a liquid crystal cell with a sealing material. However, this disclosure does not remedy the above-discussed deficiencies in the combination of Miyazaki Ryuji and Kajita et al.

Issue (E)

The rejection of Claims 12, 13, 21 and 22 under 35 U.S.C. § 103(a) as unpatentable over Miyazaki Ryuji in view of Miyazaki et al and further in view of Kajita et al, is respectfully traversed.

The disclosures and deficiencies of all of the above-applied references have been discussed above. Nothing in their combination remedies any of the above-discussed deficiencies.

Thus, for Claims 12 and 21, none of the applied prior art, alone or in any combination, discloses or suggests an area occupying ratio of not less than 0.001 and not more than 0.003, or applying a pressure of not less than 20,000 Pa and not more than 40,000 Pa to surfaces of both substrates, especially in view of the above-discussed comparative data in support thereof.

Claim 21 is separately patentable over Claim 12, since, while Kajita et al refers to an in-plate switching mode (IPS) system, which may be construed as the same as a transverse field method, Kajita et al does not describe the control of a gap (distance between substrates) of a liquid crystal device.

For Claims 13 and 22, none of the applied prior art, alone or in any combination, discloses or suggests an area occupying ratio of not less than 0.001 and not more than 0.003, or applying a sealing agent to the injection inlet of the liquid crystal display device after elapse of a specified time from completion of injecting liquid crystal.

Claim 22 is separately patentable over Claim 13, since, while Kajita et al refers to an in-plate switching mode (IPS) system, which may be construed as the same as a transverse field method, Kajita et al does not describe the control of a gap (distance between substrates) of a liquid crystal device.

Issue (F)

The rejection of Claims 23 and 24 under 35 U.S.C. § 103(a) as unpatentable over Miyazaki Ryuji in view of Fukuda, and further in view of Miyazaki et al and further in view of Kajita et al, is respectfully traversed.

The disclosures and deficiencies of all of the above-applied references except Fukuda have been discussed above. The Examiner relies on Fukuda as disclosing that the peak height of spacers is in the range of 0.05 to 0.50 μm . The Examiner, however, incorrectly relies on this disclosure as disclosing or suggesting a difference in heights of respective spacers therein. Rather, with respect to this range of peak heights, Fukuda discloses that there seems to be an optimum range in the peak height (column 5, lines 24-25). Thus, Fukuda suggests, in effect, that all of the spacers have the optimum peak height. In other words, Fukuda neither discloses nor suggests variance in height of individual spacers during manufacture of their device.

Nothing in the above combination remedies any of the above-discussed deficiencies of the references individually.

Thus, for Claim 23, none of the applied prior art, alone or in any combination, discloses or suggests heights of projections being varied by not less than 0.05 μm and not more than 0.2 μm ; an area occupying ratio of not less than 0.0014 and not more than 0.0029; or applying a sealing agent to the injection inlet of the liquid crystal display device after elapse of a specified time from completion of injecting liquid crystal.

For Claim 24, none of the applied prior art, alone or in any combination, discloses or suggests heights of projections being varied by not less than 0.05 μm and not more than 0.2 μm ; an area occupying ratio of not less than 0.0014 and not more than 0.0029; or applying a pressure of not less than 20,000 Pa and not more than 40,000 Pa to surfaces of both substrates, especially in view of the above-discussed comparative data in support thereof.

Issue (G)

The rejection of Claim 18 under 35 U.S.C. § 103(a) as unpatentable over Miyazaki Ryuji in view of Kajita et al, and further in view of Ogura Makoto, is respectfully traversed. The reasons of traversal are identical to those for the rejection of Claim 9 over the same combination of references.

Issue (H)

The rejection of Claims 5-7, 14-17, 23 and 24 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Indeed, the rejection is now moot in view of the above-discussed amendment. In addition, note that Claims 23 and 24 are drawn to a method, such that the Examiner's findings regarding an intermediate product are irrelevant. Accordingly, it is respectfully requested that this rejection be withdrawn.

Traversal of finality

Applicants respectfully traverse the finality of the Office Action. The Examiner finds that "Applicant's amendment" and "Applicant's submission of an Information Disclosure Statement under 37 C.F.R. § 1.97(c) . . . on April 11, 2003" necessitated or prompted the new ground(s) of rejection presented in the Office Action.

The only new ground of rejection was a rejection of Claims 5-7, 14-17, 23 and 24 under 35 U.S.C. § 112, second paragraph. Neither the Supplemental Amendment filed March 2, 2004, the Amendment filed December 30, 2003, nor said Information Disclosure Statement, necessitated this rejection. Indeed, the issue raised in the new ground of rejection was presented by the claims as originally filed. See, for example, original Claim 5.

Therefore, if the present amendment does not put this application in condition for allowance, then the Examiner is respectfully requested to withdraw the finality of the Office Action, and enter this amendment as a matter of right.

In the Advisory Action, the Examiner finds that the finality is proper, referring to "Amendment in Paper of 10 April 2003." In reply, this finding is completely non-responsive, since it does not address the above arguments, and since no amendment was filed April 10, 2003. While an amendment was filed April 4, 2003, it does not justify finality of the Office Action dated May 21, 2004.

Drawings

Applicants note that a corrected drawing was included with the amendment filed April 4, 2003, in response to the Examiner's finding at page 2 of the Office Action dated October 4, 2002, yet the record does not indicate whether the corrected drawing was accepted. The Examiner is respectfully requested to indicate acceptance of the corrected drawing.

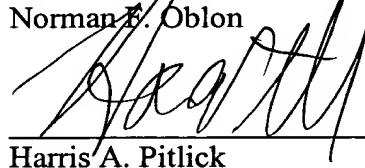
Conclusion

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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